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October 5, 2021

**By ECF**

Hon. Arlene R. Lindsay  
Long Island Federal Courthouse  
814 Federal Plaza  
Central Islip, NY 11722

**Re: *Orellana Castaneda et al. v. County of Suffolk et al.*,  
2:17-cv-4267-WFK-ARL (E.D.N.Y.)**

Dear Judge Lindsay,

My firm represents the plaintiffs in the above-referenced action. Pending before the Court is plaintiffs' fully briefed motion for class certification (the "Class Certification Motion"). Dkts. 98, 99; *see* Dkt. 104 (referring class certification motion to Your Honor). Plaintiffs hereby seek to modify the class period defined in their class certification briefing. We have conferred with counsel for defendants, who does not oppose this motion.

As currently briefed, the proposed class definition is:

All persons who, from January 1, 2014 *up to and including the present date*, were detained by SCSO and against whom ICE issued an immigration detainer request pursuant to which SCSO continued to detain the individual after SCSO's detention authority had expired.

Dkt. 98-1 at 1 (emphasis added).

Plaintiffs respectfully request that the Court instead consider the following modified proposed class in connection with the Class Certification Motion:

All persons who, from January 1, 2014 *up to and including November 15, 2018*, were detained by SCSO and against whom ICE issued an immigration detainer request pursuant to which SCSO continued to detain the individual after SCSO's detention authority had expired.

This Court has broad discretion to alter or amend a class certification order before final judgment. Fed. R. Civ. P. 23(c)(1)(C). As the Court is yet to issue an order on the Class Certification Motion, plaintiffs respectfully submit that the Court may entertain this modification request at this time. The modification would not affect plaintiffs' numerosity analysis (Dkt. 98-1 at 9-10), as shortening the time period as indicated will not decrease the number of plaintiffs in the

putative class. *See* Dkt. 91 (“We have no objection to providing the plaintiffs with inmate jackets for persons detained passed their local release time on an ICE warrant after November of 2018, however, there are no such records as none were detained.”).

We thank the Court for its consideration.

Respectfully submitted,

s/Aldo A. Badini

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cc: All Counsel of Record (**By ECF**)